

**AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING – 6:30 P.M.
WEDNESDAY, JULY 25, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL**

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

THE TYPE OF COMMISSION BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL

E. CONSENT CALENDAR

- 1) 2012/0725.01 - Approve Minutes of the May 30, 2012 Regular Meeting
(ACTION)

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 4/5ths of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2012/0725.02- Conduct Public Hearing/Approve Resolution No. PC 052-2012 Approving Minor Subdivision for Kyle Teasley at 364 Center St. (APN 052-301-012) Subject to the Recommended Conditions of Approval (Case No. PMS 12-01) **(ACTION)**

- 2) 2012/0725.03 - Conduct Public Hearing/Approve Resolution No. PC 053-2012 Approving Lot Line Adjustment for Dean Smither at 541 Wildwood Ave. (053-114-002); Case No. LLA 12-01 **(ACTION)**
- 3) 2012/0725.04 - Conduct Public Hearing/Approve Resolution No. PC 054-2012 Approving Lot Line Adjustment for Walter Close at 1328 Eeloa Ave. (APN 052-102-002 & 006) Case No. LLA 12-02 **(ACTION)**

H. REPORTS/STAFF COMMUNICATIONS

I. ADJOURNMENT

*The next Regular Planning Commission meeting is scheduled for
August 22, 2012 at 6:30 p.m. in the City Council Chambers*

**CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
MAY 30, 2012**

CALL TO ORDER

The Regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Planning Commissioner Gonzales.

Present were Commissioners Gonzales, Angeloff, Chapman, Johnson and Millington.

Others present were City Manager Stretch, Community Development Director Caldwell, and City Clerk Dunham.

CONSENT CALENDAR

Approve Minutes of the April 25, 2012 Regular Meeting

Motion was made by Johnson/Millington to approve the consent calendar including the approval of minutes of the April 25, 2012 regular meeting; Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS

Eel River Industrial Park General Plan Amendment and Zone Reclassification

Community Development Director Caldwell provided a staff report and stated that the City in 2008, annexed to the City a 244.6 acre area located on the north side of the Eel River. He said the reasons for the annexation were to provide a site for the City's wastewater treatment plant, incorporate the existing commercial/industrial uses along Highway 101 into the City, and preserve pasture and open space for use as treated wastewater disposal area. Later it was determined that it would be more economically feasible to upgrade the existing wastewater treatment plant rather than build a new facility at the Eel River Industrial Park. As such, there is no need for the privately owned 25+ acre parcel to be designated Public Facility and the applicant is therefore proposing to amend the current general plan designation of the approximate 25 acres with approximately 7 acres to Natural Resources (NR) and approximately 18 acres to Industrial Commercial (IC).

Community Development Director Caldwell stated the City referred the Initial Study and Mitigated Negative Declaration to the State Clearing House for public and agency

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review. He said the official review period closed on May 22, 2012 and that the Regional Water Quality Control Board submitted some standard comments that were not project specific.

He further stated that 2 findings must be made for a General Plan Amendment and Zone Reclassification: 1) the proposed amendments are deemed to be in the public interest; and 2) the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

Staff's recommendation was to open a public hearing to receive public input, deliberate and adopt Resolution No. PC-052-2012 recommending that the City Council approves the General Plan Amendment and Zone Reclassification.

A public hearing was opened at 6:38 p.m. to receive public input on the proposed General Plan Amendment and Zone Reclassification.

Commissioner Johnson asked about any future plans for the City's old water wells in that area that are no longer in use; Community Development Director said there may be 1 well that could possibly be used in the event of an emergency but said he was not entirely certain of that.

Ayala Tacpai said Community Development Director Caldwell said this was a clean-up matter and asked what the City's involvement is in regard to the clean-up efforts; Community Development Director Caldwell explained his comment regarding "clean-up" was meant as a figure of speech meaning "routine" but there is actually clean-up of a Brownfields site underway by the property owner who is the responsible party; not the City.

Commissioner Angeloff asked if the general plan amendment would have any impact on the rail corridor; Community Development Caldwell said that it would not.

Commissioner Gonzales asked if the City had been in communication with Dennis Wendt and if he was comfortable with the proposed zoning designations; Community Development Director Caldwell said that the boundary line was moved within the Natural Resources area from what was previously proposed by Planwest Partners and that Dennis Wendt is in agreement.

Peggy Patmore stated at one time, there was a request for a motocross park in that area and asked if this zone reclassification will allow for that type of use; Community Development Director Caldwell explained there is currently a general provision in the zoning code that allows for general assembly with a Conditional Use Permit (CUP) so

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application could be made although he sees it as a long shot since there is probably not enough area for that purpose.

There being no further public comment, the public hearing closed.

Motion was made by Angeloff/Millington to approve *Resolution No. PC-052-2012 Recommending Approval of the Eel River Sawmills/Industrial Park General Plan Amendment and Zone Reclassification*. Motion carried 5-0.

Approve Resolution No. PC 053-2012 Recommending that the City Council Establish Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC) Community Development Director Caldwell provided a staff report and said the purpose of the design review process is to promote orderly and harmonious growth with the City and establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code. He said in coming up with proposed design review guidelines he tried to cover basic principles instead of recommending strict and rigid development standards that might stifle development. He said the proposed regulations will apply to all lands within the specific categories and will be designated with the Design Review Combining Zone "D". He further stated that Design Review will be required for major subdivisions; multi-family residential developments; commercial development; industrial development; and public/quasi-public developments such as public safety facilities, libraries and city facilities.

A public hearing was opened at 6:56 p.m. to receive public input on the proposed Design Review Guidelines.

Peggy Patmore said a few years ago the City contracted with Alex Stillman who walked the downtown area and identified what the majority of the downtown consisted of in regard to design, and came up with a proposed design for the existing buildings. She encouraged staff to review and consider those recommendations.

Community Development Director Caldwell stated he had reviewed the drawings and noted that a lot of her idea was to go back to large windows; incorporate awnings; signage; outdoor seating; landscaping; lighting; and parapet walls.

Commissioner Gonzales referred to the design concepts for residential subdivisions and said although the guidelines should not be extremely vague, he doesn't want to make them so specific that they discourage development.

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Community Development Caldwell gave an example of why the City should have Design Review Guidelines stating that a developer could essentially come in and construct a Walmart in a large metal building, paint it bright colors and put in no landscaping and the City would not have the authority to impose any design guidelines.

Ayala Tacpai stated she loves the idea of craftsman style and old buildings constructed of native materials and suggested the City start with basic guidelines and make it so people want to come to Rio Dell.

Peggy Patmore commented that she felt the proposed guidelines were a step in the right direction.

There being no further public comment, the public hearing closed.

Commissioner Angeloff said what the City has now is a variety of hodge-podge designs and said in looking at the report by Alex Stillman he understands why she didn't go into specifics and identify distinct structure types.

Commissioner Gonzales referred to the "Guiding Principles" and asked if you have a stucco house and want to put up new siding would it be subject to design review; Community Development Director Caldwell said that it would be and pointed out that every structure over 40 years is considered an historic structure.

Commissioner Angeloff asked how many historic structures in the City are on the registry; staff responded that although there are many historic structures in the City, there are no known structures on the registry. Commissioner Angeloff pointed out there are tax advantages associated with historic structures.

City Manager Stretch stated a survey regarding historic structures in the downtown area was done a number of years ago and perhaps that information could be useful with the establishment of the Design Review Guidelines. Commissioner Angeloff said it was a brilliant idea and offered to work with staff to identify historic structures in the downtown area.

Commissioner Gonzales asked if the design review process is somewhat like the building permit process; Community Development Director Caldwell explained that design review is done in conjunction with the subdivision review process.

City Manager Stretch asked if there are fees associated with design review; Community Development Director Caldwell stated there will be a \$500.00 deposit required in addition to the normal subdivision fee deposit. He said there would be a resolution forthcoming at the City Council level.

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Commissioner Angeloff asked it would be the appropriate time to incorporate the Historic Review process; Community Development Director Caldwell said once the

historical survey is located, he will bring the matter back to the Commission for further consideration.

City Manager Stretch suggested the Commission express in their recommendation to the City Council their interest in the historic review process. He said the Commission and the City Council may want different design controls for the downtown as well as for historic structures.

Motion was made by Johnson/Chapman to adopt *Resolution PC 053-2012 Recommending Approval of the Design Review Ordinance*. Motion carried 5-0.

Motion was made by Angeloff/Millington to recommend to the City Council to schedule a study session to establish criteria for downtown and historic structure design review criteria. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

Community Development Director Caldwell reported on upcoming agenda items and stated he would be bringing forward on the next agenda, Parking Regulations and the Teasley Minor Subdivision.

Commissioner Gonzales announced that he recently sold his home and was having difficulty finding the right home to purchase in the City, and as a result may be forced to resign his position on the Planning Commission.

ADJOURNMENT

The meeting adjourned at 7:28 p.m. to the June 27, 2012 regular meeting.

Dave Gonzales, Chair

Attest:


Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 25, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager

Date: June 18, 2012

Subject: Teasley Subdivision; 364 Center Street
File No. 052-301-012; Case No's. PMS 12-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Find that the proposed subdivision: (1) is consistent with the Rio Dell General Plan; (2) complies with the requirements and standards of the City's zoning regulations; (3) complies with the requirements and standards of the City's subdivision regulations; (4) is physically suitable for the type of development; and (5) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
5. Make the following motion: "I move to make the all the required findings, based on evidence in the staff report and approve the proposed subdivision subject to the recommended conditions of approval."

Summary

The applicant is proposing a minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet respectively. Both proposed parcels are developed with single family homes and a residential accessory structure.

Frontage improvements (curb, gutter and sidewalk) and paving will be required along the frontage of the property. In addition, the applicant will be required to move or relocate the existing storage sheds to meet setback requirements. All referral agencies have recommended approval of the proposed subdivision.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Based on a site inspection, the nature of the proposed project, comments from referral agencies, staff believes the project will not result in a significant impact on the environment.

The applicant has submitted evidence in support of making the required findings. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the proposed subdivision is physically suitable for the type of development; and
5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff Analysis

1. General Plan Consistency:

The General Plan designation for the project site is Urban Residential (UR). The Urban Residential designation provides for neighborhood residential areas and establishes two density ranges. The minimum lot size is 6,000 square feet for detached single family dwellings with a density of 4 – 7 units per net acre, and 4,000 square feet for attached single family dwellings with a density range of 7 – 10 units per acre. The proposed subdivision is based on detached single family dwellings. Proposed parcels sizes range from 12,040 and 12,710 square feet respectively. The proposed density is 3.97 dwelling units per acre. The proposed subdivision complies with the required minimum lot size and the density range of 4 – 7 units per acre.

There are a number of General Plan goals and policies related to the proposed subdivision. The following table identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

Relevant Plan Section(s)	Summary of General Plan Goal, Policy or Standard	Evidence Which Supports the Required Finding
Natural Environment G2.1-3	Preserve drainage channels, habitat and open space.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not adversely affect existing drainage channels, riparian habitat or open space.
Natural Environment G2.1-5	Regulate clearing and development of steep slopes, river, stream and drainage channels.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not require the clearing and development of steep slopes, river, stream or drainage channels.
Natural Environment G2.1-8	Maintain existing air quality.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not affect existing air quality.
Natural Environment G2.1-9	Minimize loss of life and property from natural and man-made hazards.	The project site is not located within a mapped flood zone, dam inundation zone or Alquist-Priolo Earthquake Fault Hazard zone. There are no known man-made hazards, including contaminated soils, on site or in the area
Soils & Geologic Resources P2.1.1-4	Require geo-technical reports to ensure that slope and stability measures are incorporated into project design.	Again, both proposed parcels are currently developed and no additional development is proposed. In addition, the parcels are virtually flat and there are no issues associated with slope stability.
Aesthetics P2.2.5-2	Encourage street trees and landscaping in new developments.	Both proposed parcels are currently developed and no additional development is proposed.
Water Resources P2.1.2-3	Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not result in additional stormwater run-off.

Relevant Plan Section(s)	Summary of General Plan Goal, Policy or Standard	Evidence Which Supports the Required Finding
Biological Resources P2.1.7-2	Require setbacks (buffers) from environmentally sensitive habitat areas (ESHA's) such as riparian corridors, forested or wetland areas.	There are no known environmentally sensitive areas onsite. The closest environmentally sensitive area is the eel River and associated riparian area which is approximately 1,200 feet east of the project site.
Public Services P2.2.3-2	Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.	The Rio Dell Fire Protection District has recommended approval of the proposed subdivision.
Public Services P2.2.3-4	Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.	The only required infrastructure improvements are curb, gutter, sidewalks and some minimal paving along the frontage of the parcel.
Public Services P2.2.3-4	Require underground utilities for new development.	This policy has only been applied to new development. Where development is existing on the proposed parcels, utilities have not been required to be placed underground.
Housing A-13	Minimize housing construction in areas subject to hazards, such as flooding or geologic instability.	The project site is not located within a flood zone or an area of geologic instability.
Community Environment G2.2-12	Provide a safe and balanced transportation system for pedestrians, transit riders, bicyclists and vehicles.	The project is conditioned to require curb, gutter, sidewalks and paving along the frontage of the parcel. Public transportation is available and within walking distance of the proposed project. Recommended road improvements will provide for the safe movement of vehicles.
Cultural Resources P2.2.4-1	Coordinate with outside entities regarding land use decisions and impacts to cultural resources.	Because both proposed parcels are developed the project was not referred to the Bear River Band.

Again, based on comments from referral agencies and information submitted by the applicant, the evidence supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

2. Zoning Consistency:

The project site is in an area zoned Urban Residential (UR). The purpose of the Urban Residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations apply in all Urban Residential or UR zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings.

(2) Uses Permitted with a Use Permit.

- (a) Attached dwellings with a minimum lot size of 4,000 square feet;
- (b) Home occupation businesses, including health services related businesses;
- (c) Rooming and boarding of not more than two persons not employed on the premises;
- (d) Public and private non-commercial recreation facilities;
- (e) Schools, churches, civic and cultural uses including City offices and day care centers.

(3) Development Standards.

Development Standard	Zone Requirement
Minimum Lot Area	6,000 square feet
Maximum Ground Coverage	50%
Minimum Lot Width	60 feet
Minimum Open Space	50%
Minimum Yards	
Front	20 feet
Rear	10 feet
Side	5 feet
Maximum Building Height	35 feet

The proposed subdivision would create two lots of 12,040 and 12,710 square feet. Therefore, the proposed lots meet the minimum lot size of 6,000 square feet. In addition, each lot meets the required minimum lot width of 60 feet. As previously indicated, the applicant will be required to move or relocate the existing storage sheds to meet setback requirements. The project has been conditioned accordingly.

Any additional development must comply with the lot coverage, open space, setback and building height requirements for the Urban Residential zone. Review for compliance will at the time a building permit is applied for.

Based on the proposed subdivision, the proposed project complies with the requirements of the City's Zoning Regulations.

3. Subdivision Regulations Consistency:

The following table identifies the evidence which supports findings that the proposed subdivision is in conformance with all applicable policies and standards of the City's Subdivision Regulations, Title 16 of the Rio Dell Municipal Code (RDMC) and the City's Standard Improvement Specifications.

Relevant Section(s)	Summary of Regulation or Standard	Evidence Which Supports the Required Finding
16.05.030	General Plan and Zoning Compliance	See discussion above. Based on evidence submitted by the applicant and comments from referral agencies, staff believes the proposed subdivision is consistent with the City General Plan and Zoning regulations.
16.10.040	Tentative Map Requirements	The Tentative Map requirements identify the required information on the map. The submitted Tentative Map for the proposed subdivision complies with the requirements of Section 16.10.040 of the RDMC.
16.10.050	Accompanying Data and Reports <ul style="list-style-type: none">➤ Soils Report➤ Title Report➤ Environmental Assessment	<p>A Preliminary Soils Report was not required because both of the proposed parcels are already developed with single family residences.</p> <p>The required Title Report was submitted with the application.</p> <p>Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.</p>

Relevant Section(s)	Summary of Regulation or Standard	Evidence Which Supports the Required Finding
16.25.020 Standard Improvement Specifications	<p>Required Improvements</p> <ul style="list-style-type: none"> ➤ Street/Frontage Improvements ➤ Storm Drainage ➤ Sewer ➤ Water ➤ Utilities ➤ Fire Hydrants ➤ Street Lights 	<p>The project is conditioned on installing curb, gutter, sidewalks and paving along the frontage of the parcel. The improvements must be completed or bonded for prior to the recordation of the Final Map.</p> <p>Again because the parcels are already developed, no drainage improvements are proposed or required.</p> <p>Each of the proposed lots will be provided community sewer and water service.</p> <p>Utilities, including electric, gas, telephone and cable services are already in place.</p> <p>The proposed parcels are currently developed, located within an existing neighborhood with existing fire hydrants.</p> <p>The proposed parcels are currently developed, located within an existing neighborhood with existing street lights.</p>

Based on the proposed improvements and recommended conditions of approval, staff believes the proposed subdivision is consistent with the City Subdivision Ordinance and the City's Standard Improvement Specifications.

4. That the proposed subdivision is physically suitable for the type of development:

Again, both of the proposed parcels are currently developed with single family residences and accessory structures. Accordingly, each lot is suitable for single family residential uses.

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Attachments:

Attachment 1: Conditions of Approval

Attachment 2: Resolution No. PC 052-2012

Attachment 3: CEQA Notice of Exemption

Conditions of Approval

Approval of the subdivision is conditioned upon the following terms and requirements which must be fulfilled before the Parcel Map may be recorded.

1. Map Expiration: The approval of the Tentative Map shall expire 24 months after all appeal periods have lapsed. Approval may be extended in accordance with the Rio Dell Municipal Code and the Subdivision Map Act.

2. Taxes: All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable to the satisfaction of the County's Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition.

4. Map Type: The applicant must cause to be filed a Parcel Map in accordance with the Final Map requirements of Section 16.10.120 et. seq. of the Rio Dell Municipal Code (RDMC). The approved lot line adjustment shall be reflected on the Final Map. A subdivision map checking deposit of \$500.00 shall be paid at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County recorder for filing.

5. Improvement Plans: Pursuant to Section 16.25.060 of the Rio Dell Municipal Code (RDMC) the applicant shall submit improvement/construction plans for the required curb, gutter, sidewalk and paving. Improvement plans must be prepared by a Civil Engineer registered by the State of California. Improvement plans shall be on 24" x 36" sheets, unless otherwise approved by the City Engineer.

The Improvement Plans shall be reviewed, signed as approved by Rio Dell Public Works Department. A plan checking deposit of \$500.00 shall be paid at the time the Improvement Plans are submitted for checking.

6. Unknown Improvements: Other on-site and/or off-site improvements may be required which cannot be determined from the Tentative Map at this time. These improvements, if any, will be determined after a complete review of the required Improvement Plans.

7. Easements: All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the Parcel Map. Those easements that do not have a metes and bounds description shall be noted on the Final Map and shown as to their approximate location.

8. Fees: The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing.

9. Existing Accessory Structures: The existing accessory structures shall be relocated to comply with the required yard setbacks.

RESOLUTION NO. PC 052-2012

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL RECOMMENDING APPROVAL OF THE TEASLEY SUBDIVISION:

WHEREAS Kyle Teasley has submitted an application for the subdivision of 24,750 square foot parcel into two parcels of 12,040 and 12,710 square feet respectively; and

WHEREAS both proposed parcels are currently developed with single family residences and associated accessory structures; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS the reviewing agencies have recommended approval; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed subdivision complies with all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the proposed subdivision is physically suitable for the type of development; and
5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the project subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of July 25, 2012 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Humboldt
825 Fifth Street
Eureka, CA. 9550

From: (Public Agency): City of Rio Dell

675 Wildwood Avenue

Rio Dell, CA. 95562

(Address)

Project Title: Teasley Minor Subdivision

Project Applicant: Kyle Teasley

Project Location - Specific:

364 Center Street, Rio Dell, CA. 95562

Project Location - City: Rio Dell

Project Location - County: Humboldt

Description of Nature, Purpose and Beneficiaries of Project:

A subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet. Each parcel is currently developed with a single family residence and associated accessory structure. Both parcels are provided with community water and sewer.

Name of Public Agency Approving Project: City of Rio Dell

Name of Person or Agency Carrying Out Project: Kevin Caldwell, Community Development Director

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Minor Land Divisions, Section 15315
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Section 15315 of the CEQA Guidelines applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Lead Agency
Contact Person: Kevin Caldwell Area Code/Telephone/Extension: 707 764-3532

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: June 28, 2012 Title: Comm. Develop. Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.


Date Received for filing at OPR: _____


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 25, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: July 19, 2012

Subject: Smither Lot Line Adjustment; 541 Wildwood Avenue
File No. 053-114-002; Case No. LLA 12-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building regulations and is Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
4. Adopt Resolution No. PC 053-2012 approving the proposed lot line adjustment.

Summary

The applicant is proposing a lot line adjustment between two parcels on property known as 541 Wildwood Avenue. The purpose of the lot line adjustment is to site the existing commercial building on its own parcel. The two existing parcels are 5,000 (50' x 100') square feet each. The proposed lot line adjustment will result in two parcels of 6,860 and 3,140 square feet respectively. The City Building Inspector has indicated that a firewall on the west side of the existing will be required. Staff has conditioned the project accordingly.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments shall be approved if the required findings can be made. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 16.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment **shall** be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deed and copies of a Preliminary Title Report (PTR).

2. Subdivision Map Act Compliance

The parcels were created in compliance with State and local regulations. The parcels are Lots 3 & 4 of Block 20 of the First Addition to Rio Dell recorded in Book 11, Page 74 of Maps in the Office of the County Recorder.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Town Center. The purpose of the Town Center designation is to maintain the downtown as the heart of the City by establishing a mixed use district. Below is a copy of the Town Center development standards:

17.20.040 Town Center or TC zone.

The purpose of the town center or TC zone is to maintain the downtown as the heart of the City by establishing a mixed use district. The following regulations shall apply in all town center or TC zones:

(1) Principal Permitted Uses.

(a) Detached and attached single-family dwellings; (Residential uses within new buildings on lots located adjacent to Wildwood Avenue between Elm Street and the Eagle Prairie Bridge shall be limited to upper floors only.) (General Plan Policy LU-19))

(b) Live/work residential; (Residential uses within new buildings on lots located adjacent to Wildwood Avenue between Elm Street and the Eagle Prairie Bridge shall be limited to upper floors only. Exceptions for live-work uses may be provided through a conditional use permit where residential activities are located at the back of the building.) (General Plan Policy LU-19))

(c) Rooming and boarding of not more than two persons not employed on the premises;

(d) Business and professional services;

(e) Retail;

(f) Restaurants;

(g) Theaters;

(h) Galleries;

(i) Health services;

(j) Commercial/residential building where the ground floor is put to one or more of the non-residential uses contained in this subsection and the upper floors are used solely for residential purposes.

(2) Uses Permitted with a Use Permit.

(a) Civic and cultural organizations;

(b) Hotels and motels;

(c) Bars.

(3) Other Regulations. See Table 17.20.040 for development standards for the town center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100% for commercial, 35% for separate residential units [Floor Area Ratio = 2]
Minimum Lot Width:	25 feet

Minimum Yards

Front:	20 feet (No setbacks required for mixed use or nonresidential uses)
Rear:	10 feet (No setbacks required for mixed use or nonresidential uses)
Side:	5 feet (No setbacks required for mixed use or nonresidential uses)
Minimum Building Height:	2 stories
Maximum Building Height:	3 stories or 45 feet

The proposed lot line adjustment complies with the development standards, including lot size, lot coverage and setback requirements of the Town Center designation. There are no General Plan policies which would prohibit the proposed lot line adjustment. In order to comply with the City Building Regulations (California Building Code (CBC)), the City Building Inspector has indicated that a firewall will be required on the west side of the building.

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot lines adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

Attachment 1: Conditions of Approval

Attachment 2: Resolution No. PC 053-2012

Attachment 3: CEQA Notice of Exemption

Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

(a) The new boundary line(s) are already adequately monumented of record.

(b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.

(c) The new boundary line(s) can be accurately described and located from existing monuments of record.

(d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the

affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

6. The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing.

7. The applicant shall apply for permits and construct a firewall as required by the City Building Inspector.

RESOLUTION NO. PC 053-2012

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING THE SMITHER LOT LINE ADJUSTMENT:

WHEREAS Dean Smither has submitted an application a lot line adjustment between two parcels on property known as 541 Wildwood Avenue; and

WHEREAS the purpose of the lot line adjustment is to site the existing commercial building on its own parcel; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS the reviewing agencies have recommended approval or conditional approval; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment complies with all of the following required findings:

1. That the proposed lot line adjustment is consistent with the City's General Plan; and
2. That the proposed lot line adjustment complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed lot line adjustment complies with the requirements and standards of the City's Building Regulations; and
4. That the proposed lot line adjustment Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the project subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of July 25, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Humboldt

825 Fifth Street

Eureka, CA. 95501

From: (Public Agency): City of Rio Dell

675 Wildwood Avenue

Rio Dell, CA. 95562

(Address)

Project Title: Smither Lot Line Adjustment

Project Applicant: Dean Smither

Project Location - Specific:

The project site is located on the west side of Wildwood Avenue on property known as 541 Wildwood Avenue.

Project Location - City: City of Rio Dell

Project Location - County: Humboldt

Description of Nature, Purpose and Beneficiaries of Project:

A lot line adjustment between two parcels of 5,000 square feet each resulting in two parcels of about 6,860 and 3,140 square feet respectively.

Name of Public Agency Approving Project: City of Rio Dell

Name of Person or Agency Carrying Out Project: Kevin Caldwell, Community Development Director

Exempt Status: **(check one):**

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Class 5, Section 15305

☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The lot line adjustment is exempt because the area has an average slope of less than 20% and does not result in any changes in land use or density.

Lead Agency

Contact Person: Kevin Caldwell

Area Code/Telephone/Extension: (707) 764-3532

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.


Date Received for filing at OPR: _____

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 25, 2012

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager

Date: July 19, 2012

Subject: Close Lot Line Adjustment; 1328 Eeloa Avenue
File No. 052-102-002 & -006; Case No. LLA 12-02

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building regulations and is Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
4. Adopt Resolution No. PC 054-2012 approving the proposed lot line adjustment.

Summary

The applicant is proposing a lot line adjustment between two parcels of approximately 3,580 (APN 052-102-02) square feet and 35,340 (APN 052-102-06) square feet on property known as 1328 Eeloa Avenue. The purpose of the lot line adjustment is to site the existing commercial (CC Market) building on its own parcel. The proposed lot line adjustment will result in two parcels of about 12,730 (APN 052-102-02) and 26,190 (APN 052-102-06) square feet respectively. In addition to the standard conditions of approval for lot line adjustments, the applicant will have to relocate a portion of the existing fence between the market and residence to coincide to the new property line. Staff has conditioned the project accordingly.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California

Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments shall be approved if the required findings can be made. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 16.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment **shall** be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deed and copies of a Preliminary Title Report (PTR).

2. Subdivision Map Act Compliance

The parcels were created in compliance with State and local regulations. APN 052-102-002 was created by Caltrans in 1955 and APN 052-102-006 was created in 1972 as part of the Highway 101 construction.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Neighborhood Center. The Neighborhood Center or NC zone is intended to provide for small-scale shopping centers located within neighborhoods which will provide convenient sales and service facilities to residential areas, without detracting from the residential desirability of such areas. Below is a copy of the Neighborhood Center development standards:

17.20.050 Neighborhood Center or NC zone.

The neighborhood center or NC zone is intended to provide for small-scale shopping centers located within neighborhoods which will provide convenient sales and service facilities to residential areas, without detracting from the residential desirability of such areas. The following regulations shall apply in all neighborhood center or NC zones:

(1) Principal Permitted Uses.

- (a) Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses;
- (b) Professional and business offices and commercial instruction;
- (c) Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, bookstores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations and repair, studios, tailor shops, enclosed theaters, and variety stores;
- (d) Sales of used and secondhand goods, when appurtenant to any of the foregoing.
- (e) Pet shops, public garages, sales of used or secondhand goods, and storage warehouses.

(2) Uses Permitted with a Use Permit.

- (a) Boarding and rooming houses, and bed and breakfast inns in a mixed use building;
- (b) Professional and business offices, health services, and commercial instruction when part of a mixed use building;
- (c) Small animal hospitals completely enclosed within a building;
- (d) Civic and cultural uses including City offices and day care centers.

(3) Other Regulations. See Table 17.20.050 for development standards for the neighborhood center (NC) zone.

Table 17.20.050
Development Standards for the Neighborhood
Center or NC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,000 square feet
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	25 feet
Minimum Yard*	

Front:	15 feet if abutting residential, otherwise none required*
Rear:	15 feet if abutting residential, otherwise none required*
Side:	15 feet if abutting residential, otherwise none required*
Maximum Building Height:	3 stories or 45 feet

*Note: Setbacks are required where NC abuts a residential zone to provide separations between these uses.

The proposed lot line adjustment complies with the development standards, including lot size and setback requirements of the Neighborhood Center designation. There are no General Plan policies which would prohibit the proposed lot line adjustment.

There is an existing fence between the market and the residence that will need to be partially relocated to coincide with the proposed property line. Staff has conditioned the project accordingly.

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot lines adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

Attachment 1: Conditions of Approval

Attachment 2: Resolution No. PC 053-2012

Attachment 3: CEQA Notice of Exemption

Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

(a) The new boundary line(s) are already adequately monumented of record.

(b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.

(c) The new boundary line(s) can be accurately described and located from existing monuments of record.

(d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.
6. The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing.
7. The applicant shall relocate the existing fence between the two parcels to coincide with the proposed property line.

RESOLUTION NO. PC 053-2012

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING
THE CLOSE LOT LINE ADJUSTMENT:**

WHEREAS Walter Close has submitted an application a lot line adjustment between two parcels on property known as 1328 Eeloa Avenue; and

WHEREAS the purpose of the lot line adjustment is to site the existing commercial building (CC Market) on its own parcel; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS the reviewing agencies have recommended approval or conditional approval; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment complies with all of the following required findings:

1. That the proposed lot line adjustment is consistent with the City's General Plan; and
2. That the proposed lot line adjustment complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed lot line adjustment complies with the requirements and standards of the City's Building Regulations; and
4. That the proposed lot line adjustment Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the project subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of July 25, 2012 by the following vote:

AYES:

NOES:

ABSENT:

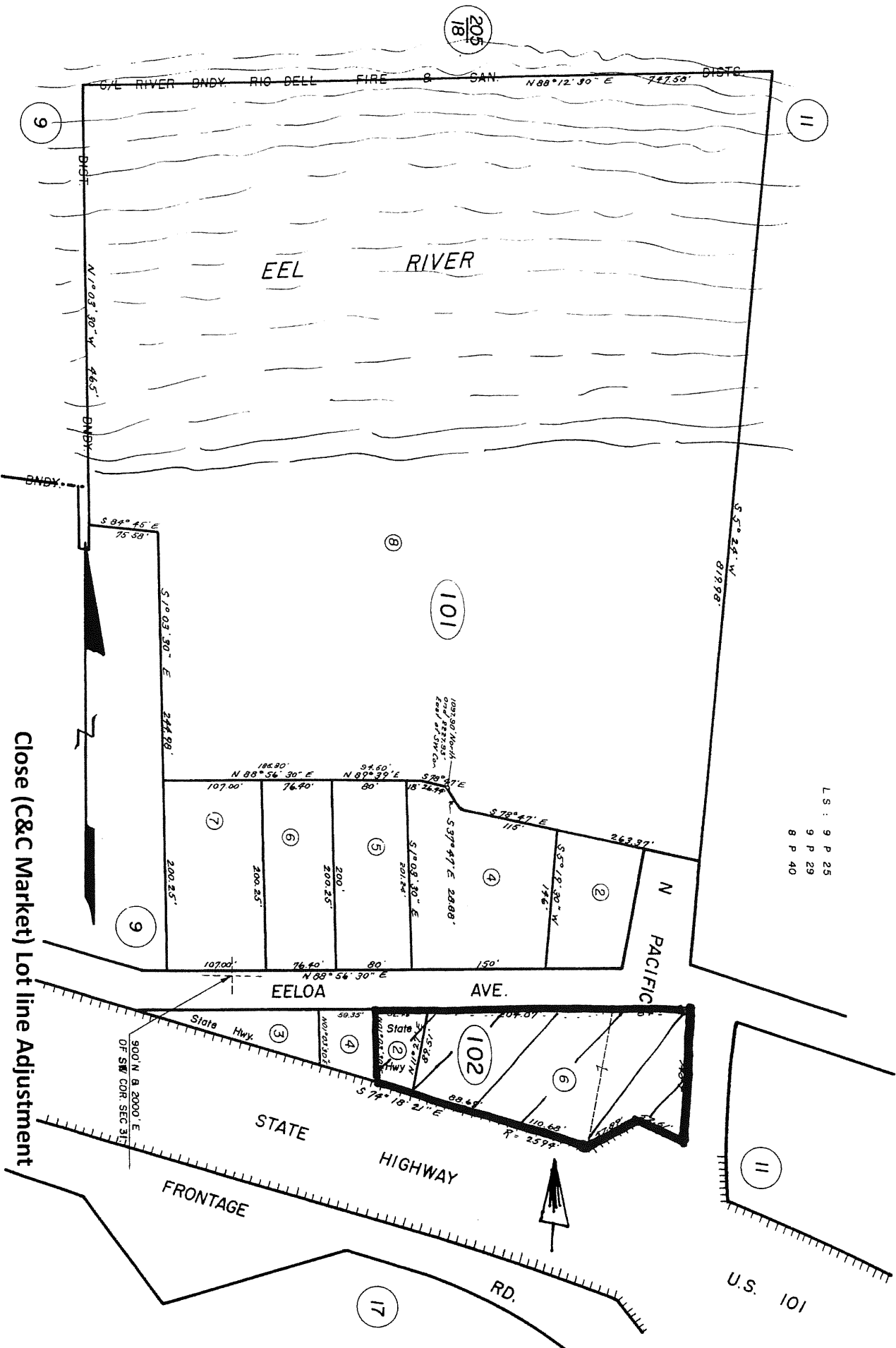
ABSTAIN:

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

PTN SEC 31 2N 1E
(EELOA)



Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Humboldt
825 Fifth Street
Eureka, CA. 95501

From: (Public Agency): City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562
(Address)

Project Title: Close Lot Line Adjustment

Project Applicant: Walter Close

Project Location - Specific:

1328 Eeloa Avenue

Project Location - City: Rio Dell Project Location - County: Humboldt

Description of Nature, Purpose and Beneficiaries of Project:

A lot line adjustment between two parcels of about 3,580 and 35,340 square feet respectively. The lot line adjustment will result in two parcels of about 12,730 and 26,190 square feet. The purpose of the lot line adjustment is to separate the residential and commercial uses.

Name of Public Agency Approving Project: City of Rio Dell

Name of Person or Agency Carrying Out Project: Kevin Caldwell, Community Development Director

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 5, Section 15305
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The lot line adjustment is exempt because the area has an average slope of less than 20% and does not result in any changes in land use or density.

Lead Agency
Contact Person: Kevin Caldwell Area Code/Telephone/Extension: (707) 764-3532

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____